

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FOUR FIBERS, L.L.C. and
BRETT ROTHFUSS,

Plaintiffs,

v.

Case No. 2:18-cv-13867
Chief Judge Denise Page Hood
Magistrate Judge Anthony P. Patti

KEPS TECHNOLOGIES, INC.,
d/b/a ACD.NET.,

Defendant.

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL (DE 17) AS
NARROWED BY THE STATEMENTS OF UNRESOLVED ISSUES (DEs
26, 28)**

This is a breach of contract case. Currently before the Court is Plaintiffs' March 28, 2019 motion to compel non-party Verizon Wireless' compliance with the February 12, 2019 subpoena for production of documents. (DE 17.) Cellco Partnership d/b/a Verizon Wireless ("Verizon") has filed a response, and Plaintiffs have filed a reply. (DEs 19, 22.) Plaintiffs and Verizon have also filed joint statements of unresolved issues. (DEs 26, 28.)

Chief Judge Hood referred this motion to me for hearing and determination, and, ultimately, a hearing was held on June 19, 2019, at which attorneys Stephen P. Dunn and John J. Cooper appeared. (DEs 20, 27.) The Court entertained oral argument on the motion, after which the Court issued its ruling from the bench.

For the reasons stated on the record, all of which are incorporated herein by reference, Plaintiffs' March 28, 2019 motion to compel (DE 17), as narrowed by the statements of unresolved issues (DEs 26, 28), is **GRANTED**. No later than **Wednesday, July 3, 2019**, Verizon shall produce: **(1)** A supplemental affidavit, which is signed, sworn and notarized, to include Illinois and Indiana material cost payments made to Defendant, in addition to the Ohio and Michigan material cost payment information already produced, along with back-up information, provided in monthly increments, if possible (otherwise quarterly or annually, but in any case in the most narrow temporal increment available); and, **(2)** A second signed, sworn and notarized affidavit, which includes reoccurring monthly payments made to Defendant for Ohio, Indiana, Michigan, and Illinois for the period 2011-2019, with back-up information provided in monthly increments, if possible (otherwise quarterly or annually, but in any case in the most narrow temporal increment available). Finally, such production in no way prevents Plaintiffs from taking a Fed. R. Civ. P. 30(b)(6) deposition of Verizon, if necessary.

IT IS SO ORDERED.

Dated: June 20, 2019

s/ *Anthony P. Patti*
Anthony P. Patti
U.S. MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on June 20, 2019, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti